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SUBJECT: UN RAPPORTEUR CALLS KIVU SEXUAL VIOLENCE WORST
CRISIS SHE HAS EVER SEEN

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¶1. (U) Yakin Erturk, the Special Rapporteur of the UN Human Rights Council on Violence against Women, characterized the situation in the Kivus as "the worst crisis I have encountered so far" during a press conference in Kinshasa July 27. Erturk visited the DRC from July 16-27 for meetings in Kinshasa, Ituri District, and South Kivu and Equateur provinces. She will submit a full report to the UN Human Rights Council in Geneva upon her return.

¶2. (U) Erturk said that South Kivu NGOs recorded 4500 sexual violence cases in the first six months of 2007. Most were perpetrated by the FDLR (reftel). She said the atrocities are "an unimaginable brutality that goes far beyond rape." She noted that the perpetrators aimed at complete physical and psychological destruction of women. She called for the international community to "exercise its responsibility" to protect these women since the GDRC has proven unable to.

¶3. (U) Erturk noted that The Congolese national army (FARDC) and police (PNC) are also perpetrators of sexual violence. She said 20 percent of all sexual violence cases in South Kivu and Ituri are attributable to State security forces. She said FARDC units are deliberately targeting civilians for pillage, gang rape, and murder for suspected support of militia groups. These acts constitute war crimes, she argued, and in some cases, crimes against humanity. She said the GDRC must bring perpetrators to justice in accordance with international law.

¶4. (U) Erturk also found that PNC and FARDC soldiers in Equateur province frequently respond to civilian unrest with organized reprisals involving indiscriminate pillage, torture, and mass rape. She cited three mass rape cases in the province in the last nine months and said not one officer had been charged or arrested in the violence.

¶5. (U) "Perpetrators continue to enjoy impunity, especially if they wear the State's uniform," said Erturk. She said senior army and police officers shield the men under their command from prosecution and deliberately obstruct investigations. She added that prisoners have little difficulty escaping from the DRC's prisons, sometimes with the complicity of those in charge. For example, all seven men convicted of the 2003 rape of more than 200 women and girls in Songo Mboyo, Equateur have since escaped from prison "under dubious circumstances."

¶6. (U) Erturk had advice for the GDRC in addressing the problem of sexual violence. The National Assembly could undertake basic legal reforms, such as changing the Family Code. This code, she said, effectively declares women to be

minors under their husband's guardianship. The National Assembly has not yet enacted a Gender Parity Law consistent with the new Constitution. Also, despite court orders, the government has not yet paid reparations to a single victim who has suffered sexual violence by State agents.

¶7. (U) Comment: Erturk's visit shines a spotlight on the epidemic of sexual violence in the DRC. This epidemic, however, has been previously highlighted by national and international NGOs with little result. With barely functioning justice systems, poorly trained and equipped police and security forces, or simply stated, little government authority or control yet existing in eastern DRC, there is no basis for confidence that the massive abuses of women will be corrected soon. As well, it is not at all clear that many local and national leaders necessarily place the issue of sexual violence as one of their highest priorities. There is an ongoing tragedy especially targeting Congo's female citizens, particularly acute in eastern DRC but seen elsewhere in the country as well, with few concrete ideas or initiatives yet put forward to put an end to this situation soon. End comment.

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